REMARKS

Upon entry of the foregoing amendments, claims 16-26 and 29 are pending.

The disclosure stands objected to because of several informalities. Accordingly, Applicant has amended the specification to address the concerns of the Examiner. The drawings stand objected to as failing to comply with 37 CFR §1.84(p)(5) because they include reference signs that are not mentioned in the description. Accordingly, Applicant has amended the specification to include mentioning the these reference numerals. It is respectfully submitted that no new matter has been added.

Claims 16-29 stand rejected under 35 USC §112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The Examiner stated that the terms "elevated", "extensive", "substantially little", and "several", renders the claims indefinite. Accordingly, Applicant has amended the claims to address the concerns of the Examiner. It is respectfully submitted that the claims now comply with 35 USC §112, and therefore, it is respectfully requested that the rejection be withdrawn.

Claim 16 stands rejected under 35 USC §102(b) as being anticipated by Pontiff (U.S. Patent No. 5,026,736).

Claims 16-17, 19-23, 25 and 28 stand rejected under 35 USC §103(a) as being unpatentable over Buckner (U.S. Patent No. 3,751,377) in view of Muirhead et al. (U.S. Patent No. 3,372,215).

Claims 18 and 29 stand rejected under 35 USC §103(a) as being unpatentable over Buckner in view of Muirhead et al. and further in view of Muller et al. (U.S. Patent No. 4,314, 606).

Claims 24, 26 and 27 stand rejected under 35 USC §103(a) as being unpatentable over Buckner in view of Muirhead et al. and in further view of Suh (EP 044584 A3).

These rejections of the claims are respectfully traversed and reconsideration is respectfully requested.

It is respectfully submitted that the disclosures of Pontiff and Buckner are directed to methods that utilize extruders. As pointed out by the Applicant on page 2, lines 12-26, large quantities of EPS or other comparable granulates cannot be economically produced by extruders because a plurality of extruders used in parallel would have to be used. In contrast, the present invention provides a method in which the impregnation of plastics melt may be carried out in a single apparatus thus providing an economical advantage. The present invention teaches that large quantities of expandable plastics granulate may be produced in an apparatus if provisions against segregation of the melt and blowing agent are made. Thus, the present invention utilizes static mixing elements over the course of the process in order to avoid segregation.

Accordingly, Applicant has amended claim 16 to make it clear that the method of the present invention does not use extruders. Accordingly, it is respectfully submitted that Pontiff does not anticipate claim 16.

Furthermore, it is respectfully submitted that neither Buckner nor Muirhead et al., either alone or in combination, teach, disclose or even suggest a method that does not use extruders for the production of expandable plastics granulate from a plastics melt and a fluid blowing agent. Accordingly, it is respectfully submitted that claim 16 is allowable.

Claims 17-26 and 20-29 depend, either or indirectly on claim 16, and therefore, they are allowable for at least the reasons claim 16 is allowable.
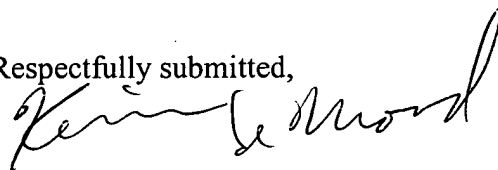
CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

       If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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